May 31, 2016

Frank Haines
Legislative Budget and Finance Officer
Office of Legislative Services
State House Annex
P.O. Box 068
Trenton, New Jersey  08625-0068

RE:  Assembly Budget Committee Response

Dear. Mr. Haines:

In response to Chairman Schaer’s May 20, 2016 letter requesting a written response to certain questions raised by the Assembly Budget Committee on May 2, 2016, I offer the following:

Assemblyman McKeon:

Request:  Please provide the committee with the results of a study conducted to determine the number of individuals released from GPS monitoring as a result of the recent Supreme Court ruling who have recidivated for various offenses, from the date (that the) Supreme Court ruling took effect to the present time.

Response:  As a result of the September 22, 2014 Supreme Court ruling, 320 offenders were removed from GPS monitoring.  From the date of September 22, 2014 through May 16, 2016, of the 320 offenders removed from GPS monitoring, 36 offenders or 11.3% have been reconvicted of a new criminal offense; and of the 36 such offenders, 3 offenders or .9% were arrested for the commission of a sexual offense.

In response to the additional questions contained in Chairman Schaer’s May 20, 2016 letter which were not asked during the hearing due to time constraints, I offer the following:

Request:  According to data provided by the State Parole Board, as of January 1, 2013 (the most recent year for which data is available) a total of 2,503 parole hearings were held.  Of this total, 792 individuals (31.6 percent) were denied parole.  Further, a total of 530 of these denials, or 2.12 percent of the total number undergoing parole hearings, were offenders who reached parole eligibility for the first time.  Please explain to why so few of those eligible for parole for the first time are actually paroled at their first hearing.  What are the cost implications of this to the State?
Response: The State Parole Board has no knowledge of the referenced 2013 data and, consequently, is unable to provide a response to the inquiry.

Request: Please provide the committee with data on who is being denied parole, the reasons for denial and the racial demographics of this population relative to those of the total parole-eligible population.

Response: During the period of July 1, 2015 through April 1, 2016, the State Parole Board rendered approximately 4,481 parole release decisions. In 2,493 inmate cases, or 55.6%, the decision rendered was to deny parole. The racial demographics of the 2,493 inmates denied parole and the racial demographics of the 4,481 inmates considered for parole is as follows:

<table>
<thead>
<tr>
<th>Inmates Denied Parole</th>
<th>Inmates Considered for Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>11 (.4%)</td>
</tr>
<tr>
<td>Black</td>
<td>1,497 (60%)</td>
</tr>
<tr>
<td>Hispanic</td>
<td>409 (16%)</td>
</tr>
<tr>
<td>White</td>
<td>571 (23%)</td>
</tr>
<tr>
<td>Other</td>
<td>5 (.2%)</td>
</tr>
<tr>
<td></td>
<td>22 (.5%)</td>
</tr>
<tr>
<td></td>
<td>2,498 (56%)</td>
</tr>
<tr>
<td></td>
<td>759 (17%)</td>
</tr>
<tr>
<td></td>
<td>1190 (27%)</td>
</tr>
<tr>
<td></td>
<td>12 (.3%)</td>
</tr>
</tbody>
</table>

With regard to the reasons for parole denial, parole decisions by the Board panels are individualized and the Board panel must base their parole decision on the criteria for parole.

The Board panel assesses the aggregate of all pertinent factors pursuant to N.J.A.C. 10A:71-3.11(b). These factors include, but are not limited to, the consideration of the inmate’s criminal record, commission of institutional infractions, institutional adjustment, previous opportunities on community supervision, psychological evaluations, parole plans, program participation, victim input, statements by the appropriate prosecuting agency and any other factors deemed relevant. After the consideration and weighing of the aggregate of information related to the specified factors, the Board panel renders the appropriate decision in conformance with the statutory criteria for parole release.

Request: Please provide the committee with information on the current medical parole procedure. How many inmates are eligible for medical parole? How many inmates have applied for parole under this program each year during the past five years? How many inmates have been granted and denied parole under this program each year during the past five years? For those denied parole, what reasons were given for their parole denial? For those granted parole, what were the reasons for granting parole? What is the recidivism rate of these parolees?

Response: The State Parole Board, pursuant to N.J.S.A. 30:4-123.51c, may release an inmate on medical parole at any time during the service of any sentence of imprisonment, except in the cases of inmates serving a sentence of imprisonment for those offenses enumerated in N.J.S.A. 30:4-123.51c(a)(3); who has been diagnosed pursuant to N.J.S.A. 30:40123 as suffering from a terminal condition, disease or syndrome; and who is found by the State Parole Board to be so debilitated or
incapacitated by the terminal condition, disease or syndrome as to be permanently physically incapable of committing a crime if released on parole. N.J.S.A. 30:4-123.51c(a)(1) defines a terminal condition, disease or syndrome as a prognosis by two (2) licensed physicians designated by the Department of Corrections that an inmate has six (6) months or less to live. As eligibility for medical parole depends on this prognosis from the Department of Corrections, the State Parole Board is unable to provide the current number of inmates that meet this criteria.

From 2011 through 2015, twenty-six (26) inmates applied for medical parole. Of those inmates, the State Parole Board determined that four (4) applicants suffered from a terminal condition, disease or syndrome and were so debilitated or incapacitated by the terminal condition, disease or syndrome as to be permanently physically incapable of committing a crime if released on parole and, accordingly, granted medical parole. It should be noted that the State Parole Board has not denied medical parole to any applicant. Rather, twelve (12) applicants were not eligible for medical parole due to their commitment offense or the failure to meet the required medical prognosis; and ten (10) applicants died prior to the State Parole Board’s consideration of the medical parole application.

The recidivism rate of the four (4) medical parolees is zero (0) percent.

Sincerely,

[Signature]

James T. Plousis
Chairman

c: David Ridolfino, Office of Management and Budget
Aaron Binder, Assembly Democratic office
Christopher Hughes, Assembly Republican Office
Anne Raughley, Office of Legislative Services